

**OFFICE CORRESPONDENCE**  
**Tennessee Department of Environment and Conservation**  
**Division of Underground Storage Tanks**

Date: August 7, 2001

To: All UST Division Staff

From: Wayne Gregory

Re: Statutory / Regulatory Interpretation Memo

**QUESTION:**

1. If an owner/operator only removes piping, is this removal considered a closure and therefore handled under the closure regulations?
2. Is an assessment required when removing and/or replacing underground piping?

**SCOPE OF THIS INTERPRETATION**

For the purpose of this interpretation, underground piping refers to the product lines and any other type of piping that is attached to an underground storage tank that is regulated by this Division.

**APPLICABLE LAWS AND REGULATIONS**

Rule 1200-1-15-.07(2)(a) and (b) states:

- (2) Permanent closure and changes-in-service
  - (a) At least 30 days before beginning either permanent closure or a change-in service under paragraphs (b) and (c) of rule 1200-1-15-.07(2) owners and/or operators must submit a site closure plan to the Division to permanently close or make the change-in-service, unless such action is in response to corrective action. The required assessment of the excavation zone under rule 1200-1-15-.07(3) must be performed after notifying the Division but before completion of the permanent closure or a change-in-service. Results of all samples taken during the closure of the underground storage tank system or change in service of the underground storage tank system must be reported to the Department within

sixty (60) days of collection. Samples may not be taken while the underground storage tank system is in operation.

- (b) To permanently close a tank, owners and/or operators must empty and clean it by removing all liquids and accumulated sludges. All tanks taken out of service permanently must also be either removed from the ground or filled with an inert solid material such as a cement compound, sand, gravel, etc. The inert solid material must have a specific gravity greater than 1.0.

## **DISCUSSION**

Removal of only the piping is not considered "closure" under Rule 1200-1-15-.07(2). The reason for this is that Rule 1200-1-15-.07(2)(b) specifies "tank" rather than "UST" or "UST system". These are all defined differently in the definitions found in Rule 1200-1-15-.01(3) and therefore have different meanings. The language in Rule 1200-1-15-.07(2) therefore limits our ability to impose the closure requirements on a system that is only closing the piping and not the tanks. The majority of the closure requirements deal with tank removal and not the piping.

As an additional thought on this matter Rule 1200-1-15-.07(2)(d) states that should an owner and/or operator elect to excavate and remove a tank from the site, such excavation and removal must be done in accordance with Appendix 6. Appendix 6 primarily addresses tank removal and as a matter of fact, the only mention of piping deals with capping or removing the product piping. This statement leads you to believe that the product line can be left in place as long as it is capped.

(Note: Input from Mark Barolo of OUST was incorporated into the first paragraph of this discussion.)

## **CONCLUSION**

As currently written, the UST Regulations do not require an owner/operator to perform an assessment when only the piping is removed. If an owner/operator removes only the piping and contamination is encountered, the owner/operator is required to report the contamination to the Division within 72 hours as stated in Rule 1200-1-15-.05(1)(a). It is recommended that UST staff be present when the piping is removed to insure that if contamination is encountered the proper steps will be taken.